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EXAMINER

SING, SIMON P

ART UNIT PAPER NUMBER

2645

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary****Application No.**

09/849,971

**Applicant(s)**

ROBERTS ET AL.

**Examiner**

Simon Sing

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2, 4-9, 11-16 and 18-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-9, 11-16 and 18-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1,2, 4-9, 11-16 and 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epler et al. US Patent No. 5,825,867 in view of Leung et al. US 6,005,870.

1.1 Regarding claim 1, Epler discloses a method of enhanced call waiting. Epler teaches:

associating a plurality of VIP (priority) codes with a subscriber's telephone number, wherein a VIP code is a calling party's identification (CPID) (column 11, lines 55-63), and based on the CPID entered by a caller 12 (figure 1) during a call in call waiting (column 4, lines 43-47; column 5, lines 32-36; column 14, lines 16-30), one of a plurality of distinctive rings (priority alert signals) is generated to alert the subscriber (who is communicating with another party over the telephone), indicating the level of urgency or importance of the call (column 6, lines 13-30); and

establishing communication between caller 12 and subscriber (called party 10) if the subscriber so desires (column 1, lines 26-38).

In short, Epler teaches a plurality of VIP codes (CPIDs), each associated with one of a plurality of distinctive rings for indicating one of a plurality of urgency levels (column 6, lines 13-30). Epler also teaches that each calling party is assigned with a VIP code (column 11, lines 55-63). Epler fails to teach pre-providing multiple codes to a calling party.

However, Leung discloses a method for call treatment in figure 1. Leung teaches pre-providing multiple codes, such as a group access code (member of a group), PIN and emergency code, to a caller, so that the caller may enter one of the codes to identify himself and to indicate the priority of a call (column 5, line 1 to column 6, line 8). Leung also teaches different group codes for different groups (classes) (column 5, lines 66-67; column 6, lines 1-2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Epler's reference with the teaching of Leung, so that a calling party would have been pre-provided more than one code, such as a group access code, an emergency code and a VIP code (PIN), to identify himself and a priority level, and each code would have been associated with a distinctive call waiting (alerting) tone indicating a priority (urgency) level, because such a modification would have given a calling party a choice to indicate the urgency level of a call.

1.2 Regarding claim 2, Epler teaches that the VIP code is unique to a caller (column 11, lines 55-63).

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1.3 Regarding claim 4, Epler teaches that a call waiting alerting signal can be a regular call waiting tone (column 5, lines 56-60).

1.4 Regarding claims 5 and 6, Epler teaches prompting caller 12 to leave a message if no VIP code is entered, or a VIP code entered does not match (column 5, lines 39-42; column 14, lines 23-28).

1.5 Regarding claim 7, Epler discloses a method of enhanced call waiting. Epler teaches:

associating a plurality of VIP codes (priority codes) with a called telephone number (column 11, lines 55-63), wherein each VIP code is entered by a calling party as the calling party's identification (CPID), and each VIP code is associated with a different distinctive call waiting tone (priority alert signal) at a called party's telephone to indicate the level of urgency or importance (priority level) (column 6, lines 13-30);

assigning a priority level alert signal to each of the plurality of VIP codes (column 6, lines 13-30);

providing a VIP code to a calling party based on a desired priority level for the calling party (column 11, lines 55-63; column 6, lines 13-28);

receiving a telephone call from caller 12 while called party 10 is engaged in another call (column 4, lines 43-47);

prompting and receiving a VIP code from caller 12 (column 5, lines 32-36; column 14, lines 16-30);

determining whether the VIP code received matches a VIP code stored in a database (column 14, lines 16-30);

alerting the called party with a distinctive call waiting tone if a VIP code entered is valid (column 14, lines 16-30; column 5, lines 33-60);

connecting caller 12 to a voice messaging system if the VIP code entered does not match (column 14, lines 23-29); and

establishing communication between caller 12 and called party 10 if called party 10 so desires (column 1, lines 26-38).

Epler teaches a plurality of VIP codes (CPIDs), each associated with one of a plurality of distinctive rings for indicating one of a plurality of urgency levels (column 6, lines 13-30). Epler also teaches that each calling party is assigned with a VIP code (column 11, lines 55-63). Epler fails to teach pre-providing multiple codes to a calling party.

However, Leung discloses a method for call treatment in figure 1. Leung teaches pre-providing multiple codes, such as a group access code (member of a group), PIN and emergency code, to a caller, so that the caller may enter one of the codes to identify himself and to indicate the priority of a call (column 5, line 1 to column 6, line 8). Leung also teaches different group codes for different groups (classes) (column 5, lines 66-67; column 6, lines 1-2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Epler's reference with the teaching of Leung, so that a calling party would have been pre-provided more than one code, such as a

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group access code, an emergency code and a VIP code (PIN), to identify himself and a priority level, and each code would have been associated with a distinctive call waiting (alerting) tone indicating a priority (urgency) level, because such a modification would have given a calling party a choice to indicate the urgency level of a call.

1.6 Regarding claim 8, the modified Epler's reference, teaches that each distinctive call waiting tone is unique to the calling party (column 6, lines 13-28).

1.7 Regarding claim 9, the modified Epler's reference, teaches assigning different number of codes to different callers (Leung; column 5, lines 30-32).

1.8 Regarding claim 11, Epler discloses a system of enhanced call waiting in figure 1, comprising:

a switch 20 in communication with a telephone line (column 3, lines 17-23), wherein the switch is configured to detect incoming calls intended for user 10 who is already engaged in a first communication with another caller (column 4, lines 43-45);

a processor (computer 56) in communication with the switch, wherein the processor is configured to review information associated with user 10 (column 3, lines 33-36; column 4, lines 37-55) to determine whether user 10 is a subscriber of the enhanced call waiting subscriber (column 5, lines 32-35);

wherein the processor receives a query from the switch and identifies that user 10 is a subscriber of the system, then instruct the switch to solicit a VIP code from caller 12 (column 5, lines 35-39; column 14, lines 16-30);

wherein the processor instructs the switch to interrupt the first communication with a priority alert signal if the VIP code provided by caller 12 matches one of a plurality of VIP codes stored in database 55, wherein each of the plurality VIP codes is a calling party's identification (CPID) entered by the calling party, and is further associated with a different distinctive call waiting tone (priority alert signal) at a called party's telephone to indicate the level of urgency or importance (priority level) (column 5, lines 42-54; column 6, lines 13-3); and

wherein the switch establishes communication between caller 12 and user 10 if user 10 so desires (column 1, lines 26-38).

Epler teaches a plurality of VIP codes (CPIDs), each associated with one of a plurality of distinctive rings for indicating one of a plurality of urgency levels (column 6, lines 13-30). Epler also teaches that each calling party is assigned with a VIP code (column 11, lines 55-63). Epler fails to teach pre-providing multiple codes to a calling party.

However, Leung discloses a method for call treatment in figure 1. Leung teaches pre-providing multiple codes, such as a group access code (member of a group), PIN and emergency code, to a caller, so that the caller may enter one of the codes to identify himself and to indicate the priority of a call (column 5, line 1 to column 6, line 8).



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Leung also teaches different group codes for different groups (classes) (column 5, lines 66-67; column 6, lines 1-2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Epler's reference with the teaching of Leung, so that a calling party would have been pre-provided more than one code, such as a group access code, an emergency code and a VIP code (PIN), to identify himself and a priority level, and each code would have been associated with a distinctive call waiting (alerting) tone indicating a priority (urgency) level, because such a modification would have given a calling party a choice to indicate the urgency level of a call.

2.8 Regarding claim 12, Epler teaches that switch 20 is provisioned with a trigger for causing a call waiting lone (column 5, lines 42-50, 56-60).

2.9 Regarding claim 13, Epler teaches a 5ESS switch at a central office (column 5, lines 47-50). Since 5ESS is an Advanced Intelligent Network (AIN) and inherently, switch 20 is a service switching point (SSP) and call processing facility 50 is located in a service control point (SCP).

2.10 Regarding claim 14, Epler teaches that a call waiting alerting signal cab be a regular call waiting tone (column 5, lines 56-60).

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2.11 Regarding claims 15 and 20, Epler discloses a method of enhanced call waiting.

Epler teaches:

associating a plurality of VIP (priority) codes with a subscriber's telephone number, wherein a VIP code is a calling party's identification (CPID) (column 11, lines 55-63), and based on the CPID entered by a caller 12 (figure 1) during a call in call waiting (column 4, lines 43-47; column 5, lines 32-36; column 14, lines 16-30), one of a plurality of distinctive rings (priority alert signals) is generated to alert the subscriber (who is communicating with another party over the telephone), indicating the level of urgency or importance of the call (column 6, lines 13-30).

In short, Epler teaches a plurality of VIP codes (CPIDs), each associated with one of a plurality of distinctive rings for indicating one of a plurality of urgency levels (column 6, lines 13-30). Epler also teaches that each calling party is assigned with a VIP code (column 11, lines 55-63). Epler fails to teach pre-providing multiple codes to a calling party.

However, Leung discloses a method for call treatment in figure 1. Leung teaches pre-providing multiple codes, such as a group access code (member of a group), PIN and emergency code, to a caller, so that the caller may enter one of the codes to identify himself and to indicate the priority of a call (column 5, line 1 to column 6, line 8). Leung also teaches different group codes for different groups (classes) (column 5, lines 66-67; column 6, lines 1-2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Epler's reference with the teaching of Leung,

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so that a calling party would have been pre-provided more than one code, such as a group access code, an emergency code and a VIP code (PIN), to identify himself and a priority level, and each code would have been associated with a distinctive call waiting (alerting) tone indicating a priority (urgency) level, because such a modification would have given a calling party a choice to indicate the urgency level of a call.

2.12 Regarding claims 16 and 23, Epler teaches establishing communication between a caller and a subscriber (called party) if the subscriber so desires (column 1, lines 26-38).

2.13 Regarding claims 18 and 21, Epler teaches that each VIP code is unique to the calling party (column 11, lines 55-63).

2.14 Regarding claim 19, Epler teaches determining whether the VIP code received matches one of the VIP codes stored in a database (column 14, lines 16-30);

2.15 Regarding claim 22, the modified Epler's reference, teaches assigning different number of codes to different callers (Leung; column 5, lines 30-32).

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1,2, 4-9, 11-6 and 18-23 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is (703) 305-3221. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.



S. Sing

12/29/2004



FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600